

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LIGHTHOUSE COMMUNITY CHURCH
OF GOD,

Plaintiff,

Case No. 05-40220

v.

District Judge Paul V. Gadola
Magistrate Judge R. Steven Whalen

CITY OF SOUTHFIELD, et al.,

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART
PLAINTIFF'S MOTION FOR SANCTIONS OR IN THE ALTERNATIVE
TO COMPEL DISCOVERY**

Before the Court is Plaintiff's Motion to Sanction Defendants for Failure to Engage in Meaningful Discovery or in the Alternative, Motion to Compel Discovery [Docket #38], which has been referred for hearing and determination pursuant to 28 U.S.C. §636(b)(1)(A). Having read the pleadings and heard the argument of counsel, and for the reasons and under the terms stated on the record on June 9, 2006,

IT IS HEREBY ORDERED that Plaintiff's Motion [Docket #38] is GRANTED IN PART AND DENIED IN PART, as follows:

1. Within seven days of the date of this Order, Defendant shall supplement its responses to Plaintiff's First Set of Interrogatories and First Request for Production of

Documents as to all matters except e-mails, which will be discussed in the following paragraph.

2. As to Document Request #7, Defendant shall, within 21 days of the date of this Order, produce all e -mails in its possession or control relating to its use of 20830 Rutland Drive, Southfield, Michigan. If Defendant claims privilege as to any e-mail covered by this Order, it shall, within the same 21 days, provide a privilege log to the Plaintiff. However, Plaintiff's request to inspect the Defendant's computer system is denied.

3. Following receipt of the discovery, Plaintiff shall be permitted to re-depose witnesses who have already been deposed as to any matters related to the previously undisclosed discovery, and such depositions shall occur within 30 days of the date of this Order.

4. Following receipt of the discovery, Plaintiff shall be permitted up to three additional depositions, to be conducted within 42 days of the date of this Order.

5. Plaintiff's request for sanctions in the form of default judgment or the striking of Defendant's pleadings is denied. However, pursuant to Fed.R.Civ.P. 37, Defendant is assessed costs and reasonable attorney fees in the amount of \$750.00, which shall be paid to Plaintiff within seven days of the date of this Order.

6. Defendants are advised that failure to comply with this Order, or any Order of this Court, may result in the imposition of the most drastic sanctions permissible under Rule 37(b)(2), including striking their pleadings, entry of default judgment, and contempt of court sanctions.

SO ORDERED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: June 12, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on June 12, 2006.

S/Gina Wilson
Judicial Assistant